

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTHEW T. SHAFER, ON BEHALF OF
HIMSELF AND ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

MORGAN STANLEY, MORGAN STANLEY
SMITH BARNEY LLC, MORGAN STANLEY
COMPENSATION MANAGEMENT
DEVELOPMENT AND SUCCESSION
COMMITTEE, and John/Jane Does 1-20,

Defendants.

Civil Action No. 1:20-cv-11047

CLASS ACTION

**PLAINTIFF'S MOTION FOR JOINDER OF ADDITIONAL
NAMED PLAINTIFFS AND PROPOSED CLASS REPRESENTATIVES**

PLEASE TAKE NOTICE that Plaintiff Matthew T. Shafer will respectfully move this Court before the Honorable Paul G. Gardephe, at the United States Courthouse, 40 Foley Square, Courtroom 705, New York, New York 10007, at such time as counsel may be heard, to join as additional named plaintiffs and proposed class representatives (1) Sheri Haugabook, (2) Peter Heidt, (3) Randall Powers, (4) Jeffrey Shover, and (5) Mace Tamse, pursuant to Rule 20(a)(1) of the Federal Rules of Civil Procedure. The grounds supporting the Motion are set forth in the accompanying Memorandum of Law.

Defendants' counsel have informed the undersigned that Defendants do not plan to file an opposition to this Motion,¹ provided that Plaintiff include the following statement:

¹ In accordance with Section IV.C of the Court's Individual Rules of Practice, Plaintiff is therefore filing the Motion on ECF without awaiting a response.

Defendants oppose the addition of these plaintiffs through joinder without pleading allegations supporting their claims but, while reserving all arguments respecting the arbitrability, implausibility, and lack of merit of the plaintiffs' claims, do not oppose the addition of these individuals as plaintiffs through a properly pleaded amended complaint.

WHEREFORE, Plaintiff respectfully requests that the Court grant his Motion for Joinder of Additional Named Plaintiffs and Proposed Class Representatives.

Dated: March 3, 2021

Respectfully submitted,

Robert A. IZARD (*pro hac vice*)
Mark P. Kindall (*pro hac vice*)
Douglas P. Needham
IZARD, KINDALL & RAABE LLP
29 South Main Street, Suite 305
West Hartford, CT 06107
Tel: (860) 493-6292
Fax: (860) 493-6290
rizard@ikrlaw.com
mkindall@ikrlaw.com
dneedham@ikrlaw.com

/s/ Mathew P. Jasinski
William H. Narwold
Mathew P. Jasinski
MOTLEY RICE LLC
27 Church Street, 17th Floor
Hartford, CT 06103
Telephone: (860) 882-1681
Facsimile: (860) 882-1682
bnarwold@motleyrice.com
mjasinski@motleyrice.com

New York Office:
777 Third Avenue, 27th Floor
New York, New York 10017

David S. Siegel (*pro hac vice*)
John S. "Jack" Edwards, Jr. (*pro hac vice*)
Dona Szak (*pro hac vice*)
AJAMIE LLP
Pennzoil Place - South Tower
711 Louisiana, Suite 2150
Houston, TX 77002
Telephone: (713) 860-1600
Facsimile: (713) 860-1699
dsiegel@ajamie.com
jedwards@ajamie.com
dszak@ajamie.com

Thomas R. Ajamie
AJAMIE LLP
460 Park Avenue, 21st Floor
New York, NY 10022
Telephone: (713) 860-1600
Facsimile: (713) 860-1699
tjamie@ajamie.com

MEMO ENDORSED

The motion for joinder (DKt. No. 36) is granted. An amended complaint will be filed by March 24, 2022. The motion to compel arbitration (DKt. No. 42) is denied without prejudice to renewal after an amended complaint has been filed.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.
Dated: March 10, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2021, a copy of the foregoing Plaintiff's Motion for Joinder of Additional Named Plaintiffs and Proposed Class Representatives was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF system.

/s/ Mathew P. Jasinski
Mathew P. Jasinski